

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J. DOE 1, et al.,
Plaintiffs,
v.
GITHUB, INC., et al.,
Defendants.

Case No. 4:22-cv-06823-JST
Case No. 4:22-cv-07074-JST

Hon. Jon S. Tigar

CLASS ACTION

**[PROPOSED] ORDER GRANTING
DEFENDANTS OPENAI, INC.,
OPENAI, L.P., OPENAI OPCO, L.L.C.,
OPENAI GP, L.L.C., OPENAI
STARTUP FUND GP I, L.L.C., OPENAI
STARTUP FUND I, L.P., OPENAI
STARTUP FUND MANAGEMENT,
LLC, OPENAI, L.L.C., OPENAI
GLOBAL, LLC, OAI CORPORATION,
OPENAI HOLDINGS, LLC, OPENAI
HOLDSCO, LLC, OPENAI
INVESTMENT LLC, OPENAI
STARTUP FUND SPV I, L.P., AND
OPENAI STARTUP FUND SPV GP I,
L.L.C.'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT**

1 Having considered the papers submitted and arguments presented in support of and in
2 opposition to Defendants OPENAI, INC., OPENAI, L.P., OPENAI OPCO, L.L.C., OPENAI GP,
3 L.L.C., OPENAI STARTUP FUND GP I, L.L.C., OPENAI STARTUP FUND I, L.P., OPENAI
4 STARTUP FUND MANAGEMENT, LLC, OPENAI, L.L.C., OPENAI GLOBAL, LLC, OAI
5 CORPORATION, OPENAI HOLDINGS, LLC, OPENAI HOLDCO, LLC, OPENAI
6 INVESTMENT LLC, OPENAI STARTUP FUND SPV I, L.P., and OPENAI STARTUP FUND
7 SPV GP I, L.L.C. (hereinafter “OpenAI”) Motion to Dismiss, the Court finds that Plaintiffs’
8 Second Amended Complaint fails to state a claim against OpenAI for violations of the DMCA
9 and breach of contract. The Court hereby GRANTS OpenAI Entities’ Motion to Dismiss and
10 dismisses those claims with prejudice.

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13 **IT IS SO ORDERED.**

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15 Dated: _____

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19 Honorable Jon S. Tigar
20 United States District Court Judge
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